

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes new Figure 3a. It is respectfully submitted that this new figure is supported by the specification as originally filed, at least by pages 4-7 and Claim 9.

Attachment: New Sheet (Figure 3a)

REMARKS

Applicant thanks the Examiner for his careful consideration of this application. Reconsideration and allowance of this application are respectfully requested in view of the amendments above and the remarks below.

Claims 1-29 are pending in this application. Claims 1 and 15 are independent claims. Claims 1-23 and 25-28 are amended. Claim 24 is cancelled without prejudice. Reconsideration and allowance of the present application are respectfully requested.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that claims 9/7, 9/8 and 20-23 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants are opting not to amend these claims in this manner at this time.

Drawings

A new sheet of drawings has been submitted in response to the Examiner's objection in order to comply with CFR 1.121(d). As discussed above, it is respectfully submitted that this new drawing is supported by the application as originally filed and does not constitute new matter. Applicants respectfully request that the Examiner withdraw the objection.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 2, 3/1 and 3/2, 4-8, 10-19 and 24-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,932,705 to Miller (hereinafter "Miller"). This rejection is respectfully traversed for at least the following reasons.

First, Applicant has cancelled Claim 24 and have amended Claims 1-14 and 25-29 to recite that the claimed net is a *sports* net. Second, Applicant has amended independent Claims 1 and 15 to recite that the holes in the sports net or made by the method are *permanently-open* holes. Applicant respectfully submits that Miller fails to render obvious the claims as amended for at least the following reasons.

First, Miller is directed to a “Flexible Louver-Flow Tailgate Barrier,” noting, e.g., the title. This is not a sports net, as claimed. While the Office Action at page 4 indicates that “the Miller tailgate is inherently capable of being used as a sports net,” Applicant respectfully disagrees and submits that the Miller tailgate is not suitable for use as a sports net. In particular, one reason for using nets in sports is that they permit players, spectators, referees, etc., to view what is behind the nets. The Miller tailgate, as discussed, e.g., at col. 1, lines 58-62, has “perforations which are generally U-shaped where the central portion of each U is *a depending flap that flexes out of the membrane*, forming a louver that permits the flow of air through the perforation.” (Emphasis added) At col. 2, line 68 to col. 3, line 2, Miller further recites, “The louver flaps 16 will *open only as required for wind flow*, generally [*sic*] *obscuring the truck bed interior from view*.” (Emphasis added) Hence, the Miller tailgate is not suitable for use as a sports net, and Claims 1-14 and 25-29 are allowable over Miller for at least this reason.

Second, Claim 1 now includes a recitation of “a mesh structure formed by a foil with permanently-open holes distributed over its surface,” while Claim 15 includes a recitation that “permanently-open holes are made so that a net or mesh structure is formed.” As noted at least in the above-cited sections of Miller (col. 1, lines 58-62 and col. 2, line 68 to col. 3, line 2), the holes in the Miller tailgate are *not* “permanently-open,” as claimed. On the contrary, the holes of the Miller tailgate are closed unless wind blows through them. Therefore, for this further reason, Claims 1-29 are all allowable over Miller.

Therefore, Applicants respectfully request that this rejection of Claims 1, 2, 3/1 and 3/2, 4-8, 10-19 and 29 under 35 U.S.C. §103 be withdrawn.

Disclaimer

Applicant may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22419-00009-US from which the undersigned is authorized to draw.

Dated: October 1, 2009

Respectfully submitted,

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